

EXHIBIT C-13

Truck Insurance Cal. App. Docket

Appellate Courts Case Information

CALIFORNIA COURTS
THE JUDICIAL BRANCH OF CALIFORNIA

2nd Appellate District

Change court

Court data last updated: 06/04/2020 10:48 AM

Docket (Register of Actions)

Truck Insurance Exchange et al. v. Smolker

Division 7

Case Number B286138

| Date | Description | Notes |
|------------|-------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11/07/2017 | Notice of appeal lodged/received. | Nov. 3, 2017 Gary Smolker |
| 11/09/2017 | Filing fee. | Check# 6685 for \$775 |
| 11/21/2017 | Civil case information statement filed. | Defendant, Cross-complainant and Appellant: Gary Smolker Attorney: Gary S. Smolker |
| 01/11/2018 | Received copy of document filed in trial court. | Notice that deposition of 10/31/2017 will not be prepared. |
| 04/06/2018 | Order filed. | Appellant has three pending appeals arising out of LASC Case No. BC173952. Briefing is complete in this case, B281406, but not in B286138 (Truck Insurance Exchange v. Smolker) and B287626 (Smolker v. Home Savings Termite Control Inc.) Appellant has asserted in this case that the same issues arise in all three cases. Accordingly, the cases will be considered together, at such time as briefing is complete in all cases. |
| 05/07/2018 | Association of attorneys filed for: | Plaintiff and Respondent, Interinsurance Exchange of the Automobile Club of Southern California, hereby associates Raul L. Martinez of Lewis Brisbois Bisgaard & Smith, LLP as associate counsel on appeal. |
| 08/24/2018 | Record on appeal filed. | C-10 (2512 Pages) R-1 |

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| 10/02/2018 | Requested - extension of time | Appellant's opening brief. Requested for 01/07/2019 By 96 Day(s) |
| 10/03/2018 | Granted - extension of time. | Appellant's opening brief. Due on 12/07/2018 By 65 Day(s) |
| 12/07/2018 | Requested - extension of time | Appellant's opening brief. Requested for 01/22/2019 By 46 Day(s) |
| 12/07/2018 | Request for judicial notice filed. | appellant Smolker |
| 12/11/2018 | Granted - extension of time. | Appellant's opening brief. Due on 01/22/2019 By 46 Day(s) |
| 12/19/2018 | Request for judicial notice filed. | Appellant' second motion for judicial notice of evidence of dangerous properties of desiccant syloid 244 |
| 12/24/2018 | Opposition filed. | joint opposition to appellant's second request for judicial notice |
| 12/26/2018 | Request for judicial notice denied. | The court has read and considered appellant's December 7, 2018 and December 19, 2018 motions for judicial notice, respondents' joint opposition thereto filed December 24, 2018. Good cause appearing therefor, IT IS HEREBY ORDERED that the motions are denied. |
| 01/22/2019 | Motion filed. | motion to augment the attached exhibits filed by appellant Smolker |
| 01/22/2019 | Request for judicial notice filed. | Appellant's second request for judicial notice |
| 02/08/2019 | Order filed. | The court has read and considered appellant's January 22, 2019 motion to take judicial notice. Good cause appearing therefor, IT IS HEREBY ORDERED that the motion is denied. IT IS FURTHER ORDERED that this shall constitute the rule 8.220(a)(1) notice. If appellant's opening brief is not filed within 15 days from the date of this order, or good cause shown for relief from default, the appeal filed November 3, 2017 will be dismissed. (Rule 8.220(a)(1), California Rules of Court.) |

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| 02/08/2019 | Appellant notified re failure to timely file opening brief. | *see order filed today (February 8, 2019) |
| 02/22/2019 | Requested - extension of time | Appellant's opening brief. Requested for 04/03/2019 By 37 Day(s) |
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| | | to 4/3/19 |
| 02/25/2019 | Denied - extension of time. | |
| 02/26/2019 | Request for judicial notice filed. | appellant smolker |
| 02/26/2019 | Requested - extension of time | Appellant's opening brief. Requested for 04/03/2019 By 37 Day(s) |
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| | | **request is moot, appellant filed opening brief |
| 02/26/2019 | Appellant's opening brief. | Defendant, Cross-complainant and Appellant: Gary Smolker Attorney: Gary S. Smolker |
| 03/01/2019 | Filed proof of service. | appellant's supplemental proof of service |
| 03/07/2019 | Opposition filed. | opposition to appellant's request for judicial notice |
| 03/15/2019 | Order filed. | The court has read and considered appellant's February 26, 2019 motion requesting judicial notice and the March 7, 2019 opposition filed by respondents. Good cause appearing therefor, IT IS HEREBY ORDERED that the motion is granted as follows: the court will take judicial notice of exhibits 42 and 43. The motion is denied as to all other exhibits. |
| 03/21/2019 | Requested - extension of time | |
| 03/21/2019 | Granted - extension of time. | |

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| 03/27/2019 | Granted - extension of time. | to 5/22/19 |
| 04/30/2019 | Change of address filed for: | For: The Law Firm of Charleston, Revich & Wollitz, LLP as counsel for Respondents Coregis Group, Coregis Insurance and CA Insurance Co. |
| 05/20/2019 | Requested - extension of time | |
| 05/20/2019 | Respondent's brief. | Plaintiff and Respondent: Truck Insurance Exchange Attorney: Peter Schwartz |
| 05/22/2019 | Granted - extension of time. | |
| 05/22/2019 | Granted - extension of time. | to 6/21/19 |
| 05/22/2019 | Respondent's brief. | Plaintiff and Respondent: Coregis Group, Inc. Attorney: Robert Hoffman Plaintiff and Respondent: Coregis Insurance Co. Attorney: Robert Hoffman Plaintiff and Respondent: California Insurance Company Attorney: Robert Hoffman |
| 05/29/2019 | Certificate of interested entities or persons filed by: | For: Respondents Coregis Group, Coregis Insurance Company and CA Insurance Company |
| 06/19/2019 | Granted - extension of time. | to 7/21/19 |
| 08/06/2019 | Respondent notified re failure to file respondent's brief. | Interinsurance Exchange of the Automobile Club of So. Cal. - brief was due July 22, 2019 |

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| 08/21/2019 | Respondent's brief. | Plaintiff and Respondent: Interinsurance Exchange of the Automobile Club of So. Cal Attorney: Elise D. Klein Respondent Interinsurance Exchange of the Automobile Club of Southern California Two extensions granted for a total of 61 days: 05/22/2019 Granted - extension of time. Due on 06/21/2019 By 30 Day(s) 06/19/2019 Granted - extension of time. Due on 07/22/2019 By 31 Day(s) |
| 08/29/2019 | Requested - extension of time | Appellant's reply brief. Requested for 10/25/2019 By 45 Day(s) |
| 08/29/2019 | Granted - extension of time. | Appellant's reply brief. Due on 10/25/2019 By 45 Day(s) |
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| No further extensions of time will be granted. | | |
| 10/25/2019 | Appellant's reply brief. | Defendant, Cross-complainant and Appellant: Gary Smolker Attorney: Gary S. Smolker No further extensions of time will be granted. |
| 10/29/2019 | Case fully briefed. | |
| 10/29/2019 | Notice sent to parties re: case fully briefed. | |
| 12/10/2019 | Calendar notice sent electronically. Calendar date: | January 10, 2020 at 1:30 p.m. |
| 12/11/2019 | Request for oral argument filed by: | Steven Inouye for respondent (213) 576-5070 |
| 12/18/2019 | Request for oral argument filed by: | Raul L Martinez for respondent (213)250-1800 |
| 12/18/2019 | Request for oral argument filed by: | Robert D. Hoffman for respondent. (310)551-7016 |

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| 12/24/2019 | Order filed. | The court has read and considered appellant Gary Smolker's December 20, 2019 request to continue oral argument. Good cause appearing therefor, IT IS HEREBY ORDERED that appellant's request for continuance is denied. |
| 12/24/2019 | Motion filed. | Appellant's motion to vacate and to reschedule January 10, 2020 oral argument |
| 12/27/2019 | Order filed. | The court has read and considered appellant Gary Smolker's December 24, 2019 motion to vacate and reschedule oral argument. Good cause appearing therefor, IT IS HEREBY ORDERED that appellant's motion is denied. In addition, because all respondents have submitted timely requests for oral argument, the court expects appellant to appear for oral argument on January 10, 2020 at 1:30 p.m. |
| 01/02/2020 | Request filed to: | Appellant's request for more time for oral argument on January 10, 2020 in accordance with CRC 8.25 (c). |
| 01/02/2020 | Request filed to: | Appellant's request to submit additional briefing documents "as is" or as an attachment to supplemental brief in accordance with CRC 8.200 (a) (4). |
| 01/03/2020 | Order filed. | The court has read and considered appellant's January 2, 2020 request to file a supplemental brief and additional documents. Good cause appearing therefor, IT IS HEREBY ORDERED that appellant's request is denied. |

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| 01/03/2020 | Order filed. | On April 6, 2018, this Court issued the following order : "Appellant has three pending appeals arising out of LASC Case No. BC173952. Briefing is complete in this case, B281406, but not in B286138 (Truck Insurance Exchange v. Smolker) and B287626 (Smolker v. Home Savings Termite Control, Inc.). Appellant has asserted in this case that the same issues arise in all three cases. Accordingly, the cases will be considered together, at such time as briefing is complete in all cases. " The Court is of the tentative view that the trial court did not err in granting the motions to dismiss. The only issue to be addressed at oral argument is the procedural issue arising from the dismissals; the merits of the case are not at issue at this time, and the Court will not entertain argument pertaining to those issues. Consistent with the April 6, 2018 order, each side shall have a maximum of 30 minutes of argument time in this matter. Respondents shall advise the Court prior to argument how they intend to divide their time, and appellant shall advise whether he wishes to reserve any portion of his time for rebuttal. |
| 01/10/2020 | Cause argued and submitted. | |
| 01/22/2020 | Opinion filed. | (Signed Unpublished) The judgments are affirmed. Respondents shall recover their costs on appeal. [Z-P-F] |
| 02/10/2020 | Application filed to: | Appellant Smolker's application seeking relief to file late petition for rehearing |
| 02/10/2020 | Application filed to: | Appellant Smolker's second application seeking relief to file late petition for rehearing |
| 02/10/2020 | Received: | Appellant Smolker's belated petition for rehearing |
| 02/10/2020 | Rehearing petition filed. | Appellant Smolker |
| 02/13/2020 | Order denying rehearing petition filed. | |
| 02/20/2020 | Received: | Appellant's second petition for rehearing of decisions. |
| 02/21/2020 | Order filed. | Appellant Smolker's February 20, 2020 request to file a late, second petition for rehearing is denied (Cal. Rules of Court, rule 8.268(b)(1)(A)). |
| 02/21/2020 | Request filed to: | Appellant Smolker's request relieving appellant for failure to file a timely a petition for rehearing |

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| 02/21/2020 | Order filed. | Appellant Smolker's February 21, 2020 request seeking leave to file a late second petition for rehearing, submitted shortly before the close of business on the final day of this court's jurisdiction in this matter, is denied (Cal. Rules of Court, rule 8.268(b)(1)(A)). |
| 03/04/2020 | Service copy of petition for review received. | Petition for review filed in the Supreme Court by Gary Smolker |
| 05/01/2020 | Supreme Court order filed re: | The court has considered your application for relief from default and petition for review. Your application for relief from default has been denied. (Cal. Rules of Court, rule 8.60(d).) The court has directed that the petition for review be returned to you. [S261361][Letter dated March 23, 2020] |
| 05/04/2020 | Remittitur issued. | |
| 05/04/2020 | Case complete. | |

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